

IC 14-33-4

Chapter 4. Additions to Districts

IC 14-33-4-1

"Proposed district" defined

Sec. 1. As used in this chapter, "proposed district" refers to the district and the area proposed to be added to the district.

As added by P.L.1-1995, SEC.26.

IC 14-33-4-2

Procedures

Sec. 2. (a) This section applies to all districts, except for districts described in section 3 of this chapter.

(b) To add area to a district already established:

(1) the same procedure must be used as is provided for the establishment of a district with the petition addressed to the court having jurisdiction over the district; or

(2) the board may pass a resolution adding additional area to the district already established if the board has received a petition that:

(A) is signed by:

(i) the majority of freeholders; or

(ii) a municipality under IC 14-33-2-7;

within the area proposed to be added; and

(B) requests the addition of the area to the district.

The resolution may contain reasonable terms and conditions imposed on the additional area.

(c) The board shall file the resolution and petition with the court.

(d) Upon receipt of a petition or a petition and a resolution, the court shall do the following:

(1) Set a date for a hearing.

(2) Have notice published and mailed to:

(A) the commission; and

(B) the freeholders both in the district and in the area proposed to be added;

in the same manner in which notice is required for notice of the hearing on the original petition to establish the district.

(e) If:

(1) an objection is not filed at the hearing by:

(A) the commission; or

(B) an owner of real property either in the district or in the area to be added; and

(2) the court determines that the petition is proper;

the court shall order the district established in the additional area.

(f) If an objection is filed, the court shall do the following:

(1) Determine at the hearing the following:

(A) The sufficiency of the petition.

(B) The necessity and feasibility of adding the area.

(2) Make the order according to the facts found.

As added by P.L.1-1995, SEC.26.

IC 14-33-4-3

Procedures for districts in certain counties

Sec. 3. (a) This section applies only to a district located in a county having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000).

(b) To add an area to a district already established, freeholders who desire the expansion:

- (1) must file a petition with the board; and
- (2) shall mail a notice concerning the petition, first class postage prepaid, to each freeholder who:
 - (A) has not signed the petition; and
 - (B) owns land in the proposed district, according to the records of the county auditor.

The freeholders having the notice mailed shall file an affidavit with the board showing the name of each person to whom notice was sent, the address to which the notice was sent, and the date on which the notice was mailed. The petition must meet the requirements of a petition to establish a district under IC 14-33-2-2 through IC 14-33-2-8.

(c) If the board approves the petition, the board shall file the board's resolution and the petition with the following:

- (1) The court having jurisdiction over the district.
- (2) The commission.

The resolution may contain reasonable terms and conditions imposed on the additional area.

(d) Within thirty (30) days after receiving the petition, the commission shall make a determination and report to the court and the board whether addition of the area will have a de minimis effect. Addition of the area will have a de minimis effect if the addition:

- (1) is relatively minor in area; and
- (2) will have little or no measurable impact on:
 - (A) the freeholders within the existing district; or
 - (B) the parties and projects identified in IC 14-33-2-17(c)(6).

The commission may designate an individual from the commission or from the department to make the determination and report to the court. In making this determination, the commission or the commission's designee shall hold a public hearing in accordance with IC 14-33-2-19 and IC 14-33-2-20. The commission may adopt policy guidelines or rules to further define the factors examined and the procedures followed in making this determination.

(e) If the commission or the commission's designee determines under subsection (d) that adding the area to the district would have more than a de minimis effect, the commission shall do the following:

- (1) Make a determination under IC 14-33-2-17.
- (2) Make a report of the commission's findings to the court as provided in IC 14-33-2-22.

The remaining procedures in IC 14-33-2-23 through IC 14-33-2-30 for the establishment of a district shall be followed.

(f) If the commission or the commission's designee determines under subsection (d) that adding the area to the district would have a de minimis effect, the court shall do the following:

- (1) Set a date for the hearing.

(2) Have notice published in the same manner as provided in IC 14-33-2-25(b).

(g) If at the hearing under subsection (f):

(1) no objections are filed by a freeholder in the proposed district;
and

(2) the court determines the petition is proper;
the court shall order the district established in the additional area.

(h) If objections are filed at the hearing under subsection (f), the court shall do the following:

(1) Determine at the hearing:

(A) the sufficiency of the petition; and

(B) the necessity and feasibility of adding the area.

(2) Make the order according to the facts found.

As added by P.L.1-1995, SEC.26. Amended by P.L.170-2002, SEC.96.